IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(SPECIAL ORIGINAL JURISDICTION)

Monday, the Twenty Eighth day of two thousand and five

PRESENT

The Honourable Sri Justice V.Eswaraiah

WRIT PETITION No. 15986 OF 2003

BETWEEN:

Smt.K.V.L.Girija Kumari w/o K.V.Nagabhushanam, aged about 40 years, Occ: Business, R/o Pedana, Krishna District.

…Petitioner

And

1. APSRTC., represented by its Regional Manager, Krishna Region, Vijayawada.
2. Pedana Municipal Council, rep.by its Chairman, Pedana, Krishna District.

…Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS, directing the respondents not to interfere and not to evict the petitioner from space measuring 6 x 6 sq.feet of plot situated in the Pedana Way Bus Shelter, APSRTC., without following due procedure.

For the Petitioner: Mr.P.Krishna Reddy, Advocate.

For the Respondents: Mr.Posani Venkateswarlu, SC for APSRTC.

The Court made the following :

-

-

-

-

-

-

-

-

-

-

-

ORDER:

The petitioner questions the action of the respondents in interfering with the place allotted to her measuring 6 x 6 sq.feet plot situated in Pedana Way APSRTC Bus shelter.

It is stated that the place was allotted by way of auction pursuant to the tender notification and the petitioner being the highest bidder, she was granted licence for running telephone booth by order dated 27-1-2001 for a period of two years. After expiry of two years, the petitioner did not vacate the site, but she filed a suit O.S.No.652 of 2001 on the file of the I-Addl. Junior Civil Judge, Machilipatnam and obtained interim injunction on 13-6-2002, which was ultimately vacated on 7-9-2002. Meanwhile, the licence granted to the petitioner was also

expired by 15-2-2003. As the petitioner failed to vacate the premises, the Depot Manager, Machilipatnam addressed a letter dated 12-8-2003 requesting the petitioner to vacate the premises, against which, the present writ petition is filed.

The petitioner was not vested with any right to continue after expiry of the licence period. In the absence of any subsisting lease, the question of directing the respondents not to interfere and not to evict the petitioner from the said place does not arise. The petitioner was only a licence holder and the period of licence was already expired. Therefore, the petitioner is not entitled for any relief and the writ petition is devoid of merits.

Accordingly the Writ Petition is dismissed. No cost.

_____

V.ESWARAIAH,J

Date: 28-02-2005.

Shr.

Asst.Registrar.

To

1. The Regional Manager, Krishna Region, APSRTC., Vijayawada.
2. The Chairman, Pedana Municipal Council, Krishna District.
3. Two CD copies.